

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

KITTY M. COOPER,

Plaintiff,

v.

LIBERTY MUTUAL FIRE INS. CO.,
et al.,

Defendants.

:

Case No. 2:20-cv-6542

Judge Sarah D. Morrison

Magistrate Judge Kimberly A. Jolson

:

ORDER

Defendants Liberty Mutual Fire Insurance Company and Liberty Insurance Corporation (collectively, “Liberty”) seek summary judgment on Plaintiff Kitty Cooper’s sole remaining claim for insurance bad faith. (Doc. 25.) Ms. Cooper failed to respond.

The Court is familiar with, and applies, the requisite Fed. R. Civ. P. 56 standard of review. The Court does so in the context of Ms. Cooper’s failure to respond. In this scenario:

a district court is not required to search the record to determine whether genuine issues of material fact exist when the non-moving party has failed to point them out. *See Street v. J.C. Bradford & Co.*, 886 F.2d 1472, 1479-80 (6th Cir. 1989) (“The trial court no longer has the duty to search the entire record to establish that it is bereft of a genuine issue of material fact.”). Instead, when the non-movant has failed to point out a question of fact on an issue, a district court’s “reliance on the facts advanced by the movant is proper and sufficient.” *Guarino v. Brookfield Township Trustees*, 980 F.2d 399, 404 (6th Cir. 1992) (in the context of an unopposed summary judgment motion).

Wardle v. Lexington-Fayette Urban County Gov't, 45 F. App'x 505, 509-10 (6th Cir. 2002). Thus, the Court will limit its consideration to the facts advanced by Liberty and will not search the record for material questions of fact. *Guarino v. Brookfield Twp. Trs.*, 980 F.2d 399, 404-05 (6th Cir. 1992).

The Court has reviewed the record, arguments, and authorities presented and concludes that Liberty has discharged its Rule 56 burden. There is no genuine dispute as to any material fact and Liberty is entitled to judgment as a matter of law on Ms. Cooper's bad faith claim.

Liberty's Motion for Summary Judgment is **GRANTED**. (Doc. 25.) The Clerk shall enter judgment accordingly and terminate this case from the Court's docket.

IT IS SO ORDERED.

s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE